

Developmental Disabilities Program Policy and Procedures Manual		Control # 449
Volume 1: Program Administration	section 3: Developmental Disabilities Program Policies	
	subject: Developmental Disabilities Eligibility Policy	

I. Purpose

This policy describes the Developmental Disabilities Program eligibility process and the assessment tools used by which an individual is determined eligible for Developmental Disabilities Program services after 1997. Eligibility must be established by the Developmental Disabilities Program prior to receiving Developmental Disabilities Program funded services.

II. State Definition for Developmental Disability (MCA 53-20-202)

"Developmental Disability" means a disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and that requires treatment similar to that required by mentally retarded individuals. A developmental disability is a disability that originated before the individual attained age 18, that has continued or can be expected to continue indefinitely and that constitutes a substantial handicap of the individual.

III Eligibility Determination Manual, Forms and Assessments

- A. The State of Montana Eligibility Determination Form for Developmental Disability Programs (Adults Age 18 And Older) and the State of Montana Eligibility Determination Form for Developmental Disability Programs (Children Age 6-17) replace the Clinical Decision Making Worksheets used in various iterations since 1997. Persons qualified to complete these forms are the DDP Eligibility Referral Specialist and/or an individual designated by the Developmental Disabilities Program. These forms will be referred to as the "Eligibility Determination Forms".

Persons qualified to be a designee of the Developmental Disabilities Program may include:

1. A Quality Improvement Specialist
2. The Children's Mental Health liaison to the Developmental Disabilities Program

- B. Eligibility determination forms are located in Dr. William Cook's

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eligibility manual entitled Determining Eligibility for Services To Persons With Developmental Disabilities In Montana: A Staff Reference Manual. This Manual is the reference manual used to determine eligibility for both children and adults seeking services from the Developmental Disabilities Program.

- C. The Vineland II Survey Interview Form is the approved assessment used to assess adaptive functioning. The Vineland is not required if a child or an adult has a full scale IQ test score of 59 or lower. Individuals with an IQ over 59 must have a Vineland completed. The Vineland II Survey Interview Form must be used, if the individual can answer for themselves. If an individual is not able to answer for themselves the Vineland II Parent/Caregiver Rating Form or the Vineland II Teacher Rating Form must be used.

- D. If a child or an adult is not able to be tested due to behavior, a licensed psychologist could verify eligibility based on the following criteria with the understanding that periodically testing will need to be rescheduled:
 Is the person always this disruptive?
 Is the disruptive behavior related to lower or higher functioning in general cognitive abilities?
 Is there a history of a Developmental Disability? For additional information refer to Dr. William Cook's eligibility manual entitled, Determining Eligibility for Services To Persons With Developmental Disabilities In Montana: A Staff Reference Manual.

- E. A Psychological Evaluation is a required component for determining Developmental Disabilities Program Services eligibility. The Psychological Evaluation should include Verbal, Performance and Full Scale IQ's or clearly state the individual is un-testable (see section C. above). The Psychological Evaluation must be no more than ten years old and reflect the individual's current skill levels.

IV. Eligibility Determinations for Individuals birth through Seven

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- A. A Child and Family provider eligibility review panel may establish eligibility for children's services for a child, seven years of age or younger experiencing developmental delays, as measured by appropriate evaluation or assessment instruments and procedures with a 50% delay in one of the following areas or a 25% delay in two or more of the following areas:
1. Cognitive development;
 2. Physical development, including vision and hearing;
 3. Speech and language development;
 4. Social and emotional development; and,
 5. Self-help skills.

B. Family Education and Support (FES) Services

Effective July 1, 2011 children entering Family Education and Support Services (FES) must have an Eligibility and Referral Specialist or designee of the Developmental Disabilities Program establish eligibility prior to the service recipient's eighth birthday.

C. Children's Waiver Services

Children's Waiver Services recipients currently in Waiver Services, prior to their eighth birthday, will need to have the Eligibility and Referral Specialist or designee of the Developmental Disabilities Program establish eligibility in order to remain in Waiver Services.

Effective July 1, 2011 NO child may be placed on the Children's Waiver Service waiting list unless their eligibility has been established by the Eligibility and Referral Specialist or a designee of the Developmental Disabilities Program in accordance with the Developmental Disabilities Program eligibility protocol.

D. Part C Services

1. A child from birth to the child's 3rd birthday is eligible for early intervention and family support services under Part C of the Individuals with Disabilities Education Improvement Act (IDEA) if the child:

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- a. Has a diagnosed physical or mental condition that has a high probability of resulting in developmental disability (e.g. sensory impairments, inborn errors of metabolism, microcephaly, Fetal Alcohol Syndrome, epilepsy, Down Syndrome or other chromosomal abnormalities); or
 - b. Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures with a 50% delay in one of the following areas or has a 25% delay in two or more of the following areas:
 - i. Cognitive development;
 - ii. Physical development, including vision and hearing;
 - iii. Speech and language development;
 - iv. Social and emotional development; and,
 - v. Self-help skills.
2. Child and Family (C&F) provider staff have the authority and obligation to interpret the Part C definition for applicants between the ages of birth and prior to the child's 3rd birthday. An informed clinical opinion must be used when determining eligibility for services under Part C in the absence of standardized measures, or if the standardized measures and procedures are not appropriate for a given age or developmental level.

E. Children's Autism Waiver (CAW)

1. To be eligible for the Children's Autism Waiver, the child must have a diagnosis of Autism Spectrum Disorder (ASD), defined as Autism, Asperger Syndrome, or Other Pervasive Disorder – Not Otherwise Specified. The child must have significant behavioral and/or adaptive behavior deficits that may interfere with the participant's ability to remain in the home and participate in the community and that are assessed in accordance with the Developmental Disabilities Program criteria.

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2. Children between the ages of 15 months through four years of age who meet the eligibility criteria may be placed on the waiting list. Limiting Waiver enrollment to children under the age of five years ensures that all children will have three years of services prior to their eighth birthday. All children will transition out of the Waiver after three years of service and prior to the age of eight.
3. Children do not need to have a diagnosis of mental retardation or be at substantial risk of a diagnosis of mental retardation in order to be eligible for Children's Autism Waiver Services and therefore, may not meet the state definition of Developmental Disability. Prior to aging out of the Children's Autism Waiver and being placed on a waiting list for Developmental Disabilities Program funded children's services, eligibility must be established in accordance with the Developmental Disabilities Program's eligibility protocol.

V. Eligibility Determinations for Individuals Age Eight And Older

- A. Eligibility for individuals age eight and older seeking services funded by the Developmental Disabilities Program must be established by the Eligibility and Referral Specialist or the Department's designee using the manual Eligibility for Services To Persons With Developmental Disabilities In Montana: A Staff Reference Manual by Dr. William Cook.

B. Eligibility for Case Management

Between 16 and 21 years of age individuals receiving children's Waiver Case Management Services must transition to adult Targeted Case Management Services.

C. Eligibility for Family Education and Support (FES)

Children who are not in Waiver Services currently but receive Family Education and Support (FES) Services may continue with services as long as there is funding available. Effective July 1,

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2011 all children eight and older entering Family Education And Support Services must have their eligibility determined by the Eligibility and Referral Specialist or their designee. This applies to all individuals in all Non-Medicaid funded services over the age of eight. ALL Children's Family Education and Support Services (FES) are no longer available to an individual when they become 21 years old.

VI. Eligibility Re-determinations

Eligibility must be re-determined annually for all individuals in Waiver Services and signed off on the Waiver 3 Form titled Medicaid Home and Community Based Services ICP/MR Level of Care for Waiver Services. The date of initial eligibility determination must be documented on the Waiver 3 Form.

- A. An individual who exits all Medicaid funded Waiver Services and Non-Medicaid Funded Services and then desires to re-enter services whose eligibility has been established using the State of Montana Eligibility Determination Form For Developmental Disability Programs (Adults Age 18 And Older) or the State of Montana Eligibility Determination Form For Developmental Disability Programs (Children Age 6-17), will not need to have their eligibility re-determined, unless there is evidence that supports the individual has significant changes in their adaptive and cognitive skills warranting a re-determination of eligibility, before the child or the adult's name can be placed on the waiting list.

VII. Medicaid Eligibility for Children and Adults

- A. An individual determined to be eligible for Developmental Disabilities Services must be Medicaid eligible in order to receive Waiver Services. Medicaid eligibility is determined by the Office of Public Assistance. Individuals in Developmental Disabilities Waiver Services who do not retain Medicaid eligibility will be exited from Waiver Services. Administrative Rule, 37.34.208 (3), requires that "persons must meet Medicaid eligibility requirements".

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- B. The denial of Medicaid eligibility may be appealed through the Human and Community Services Division, not through the Developmental Disabilities Program.

VIII. Eligibility for Pre-Admission Screening Annual Resident Review (PASARR) Services

A. PASARR Level I Screenings

Individuals referred for long term placement in a nursing home with qualified nursing home needs are found eligible based on a Pre-Admission Screening Annual Resident Review (PASARR) Level I screening. These individuals may have a Developmental Disability, based on the state definition (see section two of this policy).

B. PASARR Level II Screenings

If the evaluator believes the individual may have a Developmental Disability, the evaluator will request a Developmental Disabilities Program Quality Improvement Specialist or a designated contractor to complete a Level II Screening. If the Developmental Disability eligibility determination in a PASARR Level II Screening shows that the individual *has* a Developmental Disability, the individual is entitled to the rights and protections of individuals with a Developmental Disability referred for nursing home placement as assured under the Omnibus Budget Reconciliation Act (OBRA). Based on this decision, an individual who has a Developmental Disability and is considered appropriate for nursing home placement may request “specialized services” within the context of the nursing home.

- C. An individual determined to be eligible to receive PASARR Services under the PASARR Level II Screening process, or under the Modified PASARR Level II Screening process may not be eligible for Developmental Disabilities Program Waiver funded services. For this reason, an individual determined to be eligible to receive PASARR Services may not be referred for, or placed in Medicaid Waiver Services unless the Developmental Disabilities Services eligibility determination using the eligibility

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determination form is completed.

- D. In those cases where a individual receiving PASARR Services residing in a nursing home has never had an eligibility determination form completed, it would be necessary for the individual to be assessed by a psychologist for the purpose of establishing if the individual is significantly impaired in terms of cognitive functioning, and if the individual's neurologically handicapping condition occurred prior to the age of 18. It would also be necessary to have qualifying adaptive behavior assessment scores in order to be considered eligible for Developmental Disabilities Program Services.
- E. A Developmental Disability Services eligibility determination outcome made by a Quality Improvement Specialist for the purpose of completing the requirements of a PASARR Level II Screening is noted on the individual's eligibility determination form and entered as a PASARR eligibility determination in the statewide eligibility determination records maintained by the Developmental Disabilities Program.

IX. Notifications

An individual on the waiting list for services or in Medicaid or Non-Medicaid funded services who is found to be ineligible will receive a letter of notification of ineligibility. If the individual is waiting for services, the individual's name will be removed from the Waiver Services waiting list. If the individual is in services at the time they are declared ineligible, they will be notified in writing and will be exited from the Waiver after ten days from the date of receipt of the letter. If a Fair Hearing request is filed, the individual may remain in services until the hearing process is concluded. If the hearing officer finds in favor of the Department, the service recipient and their family must return all monies rendered for services from the filing date of the request for Fair Hearing until the hearing process is concluded.

X. Fair Hearing

Children or adults denied eligibility for Waiver Services based on a


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Developmental Disability Program eligibility determination outcome retain the right to appeal, up to and including requesting a Department Fair Hearing. Children or adults denied access to Waiver Services based on the loss or denial of Medicaid eligibility, have the right to appeal that decision through the Human and Community Services Division.


 Director Developmental Disabilities Program

 4/20/11
 Date


 Developmental Disabilities Program Web Manager

 4/20/11
 Date

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